



SO ORDERED.

SIGNED this 3 day of October, 2017.

A handwritten signature in blue ink, reading "David M. Warren".

David M. Warren
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

CASE NO. 16-01501-5-DMW

**DANIEL MANUEL SHAPIRO
ALBINA NASONOVA SHAPIRO**

CHAPTER 7

DEBTORS

ORDER DENYING AMENDED APPLICATION TO WAIVE FILING FEE

This matter comes before the court upon the Amended Motion to Waive Filing Fee in Order to Reopen Chapter 7 Bankruptcy to File Reaffirmation Agreements for Both Debtors ("Amended Motion") filed on September 29, 2017 by Daniel Manuel Shapiro and Albina Nasonova Shapiro ("Debtors"). The court elects not to conduct a hearing on the Amended Motion filed on behalf of the Debtors by their counsel, James R. Levinson, Esq. ("Mr. Levinson") and denies the relief requested therein based upon the following findings of fact and conclusions of law:

1. The Debtors filed a Motion to Waive Filing Fee in Order to Reopen Chapter 7 Bankruptcy to File Reaffirmation Agreements for Both Debtors ("Motion") on August 31, 2017. The court conducted a telephonic hearing on September 25, 2017. Mr. Levinson failed to appear at the properly noticed hearing, and the court entered an Order Denying Application to Waive Filing Fee, denying the Motion without prejudice for failure to prosecute.

2. In the one page Amended Motion, the court counts no less than five punctuation errors, three grammatical errors, and three spelling errors. The court rarely sees this level of incompetence or carelessness, especially in pleadings drafted by members of the North Carolina State Bar and those attorneys admitted to practice before this court.

3. Mr. Levinson's lack of professionalism and his poor drafting precludes the court from considering the merits of the Amended Motion, including Mr. Levinson's excuses for not attending the telephonic hearing. The court also finds that the Certificate of Service for the Amended Motion references the Motion, rather than the Amended Motion, indicating that parties in interest have not been served properly.

4. The Amended Motion is denied; however, the court will generously allow the Debtors to file yet another request to waive the filing fees to reopen their case. The Debtors and Mr. Levinson are cautioned that if a subsequent poorly-drafted pleading is filed, then the requested relief may be denied with prejudice; now therefore,

IT IS ORDERED, ADJUDGED, AND DECREED that the Amended Motion be, and hereby is, denied without prejudice. In the event the Debtors file a subsequent pleading, a courtroom hearing shall be conducted in Raleigh, North Carolina as designated by the Clerk of the United States Bankruptcy Court.

END OF DOCUMENT